



TOWN OF WEARE
PLANNING BOARD
ZONING BOARD OF ADJUSTMENT
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Land Use Coordinator

Office Hours:
Monday
Tuesday
Thursday
8 AM – 4:30 PM

**ZONING BOARD OF ADJUSTMENT
MINUTES
APRIL 6, 2004
(Approved as amended 5/4/04)**

PRESENT: Forrest Esenwine, Chairman; Leon Methot; June Purington, Tim Galvin;
Matt Pelletier, Alternate; Naomi L. Bolton, Land Use Coordinator.

GUESTS: Jeffrey Morgenstern; John McCausland; Ginger Esenwine; Daniel Watts;
Heleen Kurk; Pat Doherty.

I. CALL TO ORDER:

Chairman Forrest Esenwine called this meeting to order at the Weare Town Office Building at 7:30 PM. Chairman Esenwine explained the process by which the board conducts business. Chairman Esenwine welcomed newly appointed alternate member Matt Pelletier to the board. Chairman Esenwine appointed Matt Pelletier as a member for tonight's meeting.

II. PUBLIC HEARINGS:

Case #0504 Daniel W. Watts (Continued Hearing)
Special Exception, Article 19, Section 19.1.10
Applicant is requesting permission to convert one bedroom upstairs into a kitchen to be used as an in-law apartment.
Tax Map 201-030 57 Concord Stage Road

This application was discussed amongst the board members and it was the feeling of some members that he might not have to be here because he is just converting a bedroom into a kitchen. June Purington pointed out that according to article 19.1.10.2 states that an apartment is within or attached to the existing structure. Tim Galvin moved to accept the application as submitted; Leon Methot seconded the motion, all in favor. Daniel Watts was present for this hearing. Mr. Watts went through the seven conditions required for the special exception as follows:

1. The specific site is an appropriate location for such a use or uses in terms of overall community development: $\frac{3}{4}$ acre lot with a single family home and added an in-law apartment upstairs there is no change to lot size of outlook of house.
2. The proposed use will not adversely affect the neighborhood and shall produce no significant reduction of real estate values in the neighboring area: I do have at least 3 abutters and changes made are not visible to the abutters.

3. The proposed use will not be a nuisance or serious hazard to vehicular traffic or pedestrians: As stated above the in-law apartment will not affect traffic patterns in any way. The retired couple does not drive.
4. The proposed use will not cause an undue burden on the Town through the provision of basic Town services: The stated in-law apartment will be occupied by two adults retired and the home will always be a family home.
5. Adequate off-street parking be provided if determined necessary by the Zoning Board of Adjustment: There is plenty of parking for at least 3-4 vehicles to stay.
6. A buffer may be required to screen neighboring uses from the proposed use. Buffers may be fence screens, dense planting of suitable trees and shrubbery, or naturally occurring shrubs and trees: There are plenty of natural buffers to any concerned.
7. The Zoning Board of Adjustment, in granting any special exception, may include such restrictions or conditions to insure compliance with this section: The in-law apartment is within compliance of zoning laws.

Approving abutters: NONE

Disapproving abutters: NONE

Public At Large: NONE

Other boards: NONE

Being there were no further comments or questions, Chairman Esenwine closed this hearing at 7:57 PM.

Case #0604 Riverview Realty Trust

Variance, Article 17, Section 17.1.1

Applicant is requesting permission to permit construction of up to a 4 bedroom single family home.

Tax Map 107-014

Branch Road (Private Road)

The board discussed the application as far as completeness. The actual septic design plan that shows the layout of the lot showing the house, well and proposed septic system was not included in the package. Mr. Morgenstern had with him a copy of the septic plan that he submitted to the board for their records. Tim Galvin moved to accept the application with the submittal of the extra plans so the board can discuss this application; June Purington seconded the motion, all in favor. Mr. Morgenstern then proceeded through the five points of hardship as follows:

1. That there **will not** be a diminution of value surrounding properties as a result of the granting of this variance because: existing Branch Road homes are comparable to proposed construction.
2. That the granting of the variance **will not** be contrary to the public interest because: this construction can only add to the appeal and value of the neighborhood.
3. That enforcement of the zoning ordinance will create an unnecessary hardship in that the zoning restriction:
 - a. As applied to the petitioner's property will interfere with the petitioner's reasonable use of their property, considering the unique setting of the property

5. That the use contemplated by the petitioner as a result of obtaining this variance **will not** be contrary to the spirit of the ordinance because: The area is zoned residential and building a single family home on an accessible road is not contrary to the spirit of the ordinance.

Being there were no further comments or questions, Chairman Esenwine moved to close this hearing at 8:40 PM.

118 Center Road

The board reviewed the application for completeness. Tim Galvin moved to accept the application as complete; June Purington seconded the motion, unanimous vote in favor (Methot, Purington, Galvin, Esenwine, Pelletier). John McCausland was present and explained that this request is for a new larger sign then what is currently there. Mr. McCausland stated the new building should also have a new sign. Mr. McCausland went

through the seven conditions for the special exception, even though some of the questions were irrelevant as follows:

1. The specific site is an appropriate location for such a use or uses in terms of overall community development: sign will be attractive, landscaped, consistent in size with other church signs in the community.
2. The proposed use will not adversely affect the neighborhood and shall produce no significant reduction of real estate values in the neighboring area: (same as above)
3. The proposed use will not be a nuisance or serious hazard to vehicular traffic or pedestrians: The larger sign will actually be easier for motorists to read, hence less hazardous.
4. The proposed use will not cause an undue burden on the Town through the provision of basic Town services: No Town services involved.
5. Adequate off-street parking be provided if determined necessary by the Zoning Board of Adjustment: N/A
6. A buffer may be required to screen neighboring uses from the proposed use. Buffers may be fence screens, dense planting of suitable trees and shrubbery, or naturally occurring shrubs and trees: N/A
7. The Zoning Board of Adjustment, in granting any special exception, may include such restrictions or conditions to insure compliance with this section:

Approving Abutters: NONE

Disapproving Abutters: NONE

Public At Large: NONE

Other Boards: NONE

Being there were no further comments or questions, Chairman Esenwine closed this hearing at 8:48 PM.

Case #0804 Patrick J. & Karen C. Doherty
Special Exception, Article 19, Section 19.1.10
Applicant is requesting permission for an addition to be used as an in-law apartment.
Tax Map 408-181 15 Beaver Pond Road

Chairman Esenwine moved to accept the application as complete, June Purington seconded the motion. Unanimous vote in favor: Methot, Purington, Galvin, Esenwine, Pelletier. Patrick Doherty was present and explained to the board that the purpose of this addition is that his mother-in-law became a widow approximately two years ago and would like to be closer to her daughter. Mr. Doherty then went through the seven conditions required for a special exception as follows:

1. The specific site is an appropriate location for such a use or uses in terms of overall community development: The 2.1 acre lot currently has a single family residence and the addition would have minimal impact and would be keeping with the rural character of the neighborhood.
2. The proposed use will not adversely affect the neighborhood and shall produce no significant reduction of real estate values in the neighboring area: The existing

- home is situated in a somewhat open setting and the proposed addition will be visible by some abutters, but I don't believe that the addition will reduce real estate values in the neighborhood.
3. The proposed use will not be a nuisance or serious hazard to vehicular traffic or pedestrians: The addition meets all the proper setbacks and with the addition of 1-vehicle there will be a minimal impact on vehicular traffic or pedestrians.
 4. The proposed use will not cause an undue burden on the Town through the provision of basic Town services: The proposed addition will be occupied by a retired adult creating no impact on the school system and minimal impact on other Town services.
 5. Adequate off-street parking be provided if determined necessary by the Zoning Board of Adjustment: One parking space is to be provided per article 19.1.10.6 requirements.
 6. A buffer may be required to screen neighboring uses from the proposed use. Buffers may be fence screens, dense planting of suitable trees and shrubbery, or naturally occurring shrubs and trees: The addition will not require that any tree or shrubs that are there to be removed or disturbed.
 7. The Zoning Board of Adjustment, in granting any special exception, may include such restrictions or conditions to insure compliance with this section: This application is in full compliance with article 19, section 19.1.10, as such there should be no further restrictions.

Approving Abutters: NONE

Disapproving Abutters: NONE

Public At Large: NONE

Other Boards: NONE

Being there were no comments or questions, Chairman Esenwine closed this hearing at 9:00 PM.

III. CASE DECISIONS:

Case #0504 Daniel W. Watts (Continued Hearing)

Special Exception, Article 19, Section 19.1.10

Applicant is requesting permission to convert one bedroom upstairs into a kitchen to be used as an in-law apartment.

Tax Map 201-030

57 Concord Stage Road

The board proceeded through the conditions as follows: Condition #1: June Purington moved to accept condition #1; Leon Methot seconded the motion, unanimous vote in favor (Methot, Purington, Galvin, Esenwine, Pelletier). Condition #2: June Purington moved to accept condition #2; Leon Methot seconded the motion, unanimous vote in favor (Methot, Purington, Galvin, Esenwine, Pelletier). Condition #3: June Purington moved to accept condition #3; Tim Galvin seconded the motion, unanimous vote in favor (Methot, Purington, Galvin, Esenwine, Pelletier). Condition #4: Chairman Esenwine moved to accept condition #4; Tim Galvin seconded the motion, unanimous vote in favor (Methot, Purington, Galvin, Esenwine, Pelletier). Condition #5: June Purington moved to accept condition #5; Leon Methot seconded the motion, unanimous vote in favor (Methot, Purington, Galvin, Esenwine, Pelletier). Condition #6: Leon Methot moved to

accept condition #6; June Purington seconded the motion, unanimous vote in favor (Methot, Purington, Galvin, Esenwine, Pelletier). Condition #7: Chairman Esenwine stated that the only condition that he would like to add would be the stipulation that it clearly can not become rented space, now or in the future and it is only for in-law use. Leon Methot moved to grant the special exception for Case #0504 for the in-law apartment with the condition this is for an in-law apartment only and it clearly can not become rented space, now or in the future, Chairman Esenwine seconded the motion, unanimous vote in favor (Methot, Purington, Galvin, Esenwine, Pelletier).

Case #0604 Riverview Realty Trust
Variance, Article 17, Section 17.1.1
Applicant is requesting permission to permit construction of up to a 4
bedroom single family home.
Tax Map 107-014 Branch Road (Private Road)

This hearing was continued to June 1, 2004.

Case #0704 Holy Cross Episcopal Church
Special Exception, Article 21, Section 21.1
Applicant is requesting permission to install a new sign.
Tax Map 202-135 118 Center Road

Leon Methot moved to accept conditions #1, 2, 3, & 4 as written; June Purington seconded the motion, unanimous vote in favor (Methot, Purington, Galvin, Esenwine, Pelletier). Chairman Esenwine moved that conditions #5, 6, & 7 be exempted because they really don't apply to this application, Tim Galvin seconded the motion, unanimous vote in favor (Methot, Purington, Galvin, Esenwine, Pelletier). Chairman Esenwine moved to grant the special exception for Case #0704 as requested with the condition that the sign area is not to exceed 25 square feet total, Matt Pelletier seconded the motion, unanimous vote in favor (Methot, Purington, Galvin, Esenwine, Pelletier).

Case #0804 Patrick J. & Karen C. Doherty
Special Exception, Article 19, Section 19.1.10
Applicant is requesting permission for an addition to be used as an in-law
apartment.
Tax Map 408-181 15 Beaver Pond Road

Condition #1: Leon Methot moved to accept condition #1; June Purington seconded the motion, unanimous vote in favor (Methot, Purington, Galvin, Esenwine, Pelletier). Condition #2: June Purington moved to accept condition #2; Chairman Esenwine seconded the motion, unanimous vote in favor (Methot, Purington, Galvin, Esenwine, Pelletier). Condition #3: June Purington moved to accept condition #3; Tim Galvin seconded the motion, unanimous vote in favor (Methot, Purington, Galvin, Esenwine, Pelletier). Condition #4: Chairman Esenwine moved to accept condition #4; Tim Galvin seconded the motion, unanimous vote in favor (Methot, Purington, Galvin, Esenwine, Pelletier). Condition #5: Tim Galvin moved to accept condition #5; June Purington

seconded the motion, unanimous vote in favor (Methot, Purington, Galvin, Esenwine, Pelletier). Condition #6: June Purington moved to accept condition #6; Matt Pelletier seconded the motion, unanimous vote in favor (Methot, Purington, Galvin, Esenwine, Pelletier). Condition #7: The only conditions would be a restriction regarding not issuing the building permit until the state septic system approval for the 5 bedroom system is received as well as the stipulation that it be an in-law apartment and not rented space, now or in the future. Leon Methot moved to grant the special exception for Case #0804 for the in-law apartment with two conditions: 1) this is for an in-law apartment only and it clearly can not become rented space, now or in the future and 2) the building permit is not to be issued until the Town receives a State of NH approval for the new septic system, Chairman Esenwine seconded the motion, unanimous vote in favor (Methot, Purington, Galvin, Esenwine, Pelletier).

IV. OTHER BUSINESS:

MARCH 2, 2004 MINUTES: Chairman Esenwine moved to approve the March 2, 2004 minutes as amended; Leon Methot seconded the motion, all in favor.

V. ADJOURNMENT:

As there was no further business to come before the board, June Purington moved to adjourn at 9:20 PM, Tim Galvin seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton
Land Use Coordinator